

ings, sentence, and any recommendations pertaining thereto. *See* R.C.M. 1101 concerning post-trial confinement.

Rule 1305. Record of trial

(a) *In general.* The record of trial of a summary court-martial shall be prepared as prescribed in subsection (b) of this rule. The convening or higher authority may prescribe additional requirements for the record of trial.

Discussion

See Appendix 15 for a sample of a Record of Trial by Summary Court-Martial (DD Form 2329).

Any petition submitted under R.C.M. 1306(a) should be appended to the record of trial.

(b) *Contents.* The summary court-martial shall prepare an original and at least two copies of the record of trial, which shall include:

(1) The pleas, findings, and sentence, and if the accused was represented by counsel at the summary court-martial, a notation to that effect;

(2) The fact that the accused was advised of the matters set forth in R.C.M. 1304(b)(1);

(3) If the summary court-martial is the convening authority, a notation to that effect.

(c) *Authentication.* The summary court-martial shall authenticate the record by signing each copy.

Discussion

“Authentication” means attesting that the record accurately reports the proceedings. *See* R.C.M. 1104(a).

(d) *Forwarding copies of the record.*

(1) *Accused’s copy.*

(A) *Service.* The summary court-martial shall cause a copy of the record of trial to be served on the accused as soon as it is authenticated.

(B) *Receipt.* The summary court-martial shall cause the accused’s receipt for the copy of the record of trial to be obtained and attached to the original record of trial or shall attach to the original record of trial a certificate that the accused was served a copy of the record. If the record of trial was

not served on the accused personally, the summary court-martial shall attach a statement explaining how and when such service was accomplished. If the accused was represented by counsel, such counsel may be served with the record of trial.

(C) *Classified information.* If classified information is included in the record of trial of a summary court-martial, R.C.M. 1104(b)(1)(D) shall apply.

(2) *Forwarding to the convening authority.* The original and one copy of the record of trial shall be forwarded to the convening authority after compliance with subsection (d)(1) of this rule.

(3) *Further disposition.* After compliance with R.C.M. 1306(b) and (c), the record of trial shall be disposed of under regulations prescribed by the Secretary concerned.

Rule 1306. Post-trial procedure

(a) *Matters submitted by the accused.* After a sentence is adjudged, the accused may submit written matters to the convening authority in accordance with R.C.M. 1105.

(b) *Convening authority’s action.*

(1) *Who shall act.* Except as provided herein, the convening authority shall take action in accordance with R.C.M. 1107. The convening authority shall not take action before the period prescribed in R.C.M. 1105(c)(3) has expired, unless the right to submit matters has been waived under R.C.M. 1105(d).

(2) *Action.* The action of the convening authority shall be shown on all copies of the record of trial except that provided the accused if the accused has retained that copy. An order promulgating the result of a trial by summary court-martial need not be issued. A copy of the action shall be forwarded to the accused.

(3) *Signature.* The action on the original record of trial shall be signed by the convening authority. The convening authority’s action on other copies of the record of trial shall either be signed by the convening authority or be prepared and certified as true copies of the original.

(4) *Subsequent action.* Any action taken on a summary court-martial after the initial action by the convening authority shall be in writing, signed by

R.C.M. 1306(b)(4)

the authority taking the action, and promulgated in appropriate orders.

Discussion

See R.C.M. 1114 concerning promulgating orders.

(c) *Review by a judge advocate.* Unless otherwise

prescribed by regulations of the Secretary concerned, the original record of the summary court-martial shall be reviewed by a judge advocate in accordance with R.C.M. 1112.

(d) *Review by the Judge Advocate General.* The accused may request review of a final conviction by summary court-martial by the Judge Advocate General in accordance with R.C.M. 1201(b)(3).